Chapter 3. Environmental Analysis

3.1. Introduction to the Analysis

Chapters 4 to 7 of this draft EIR contain individual sections that describe the potential environmental impacts of the Proposed Project. Each section (e.g., 5.1, 5.2) describes the existing setting and background information to help the reader understand the conditions that could be affected by the Proposed Project. In addition, each section includes a discussion of the criteria used in determining whether an impact of the Proposed Project would be considered significant. Finally, each section recommends mitigation measures, where possible, for significant potential impacts identified.

The primary sources of information supporting development of the environmental setting and impact analysis are the Department's *California Marine Life Protection Act (MLPA) Initiative Regional Profile of the Central Coast Study Region (Pigeon Point to Point Conception, CA)* (CDFG 2005a) and *California Marine Life Protection Act Master Plan for Marine Protected Areas* (CDFG 2006). Maps and data layers that supported environmental analysis can be obtained from the following sources:

- **Interactive Map Layers:** http://marinemap.org/mlpa/viewer.htm
- **Static Maps:** http://www.dfg.ca.gov/MRD/mlpa/commissiondocs.html
- **Geographic Information System (GIS) Shapefiles:** http://ftp.dfg.ca.gov/Public/Marine/Requests/MLPA_CCSA

3.1.1. Significance of Environmental Impacts

According to CEQA, an EIR should identify any threshold of significance and explain the criteria used to determine whether an impact is above or below that threshold. Significance criteria are identified for each environmental topic to determine whether implementation of the Proposed Project would result in a significant impact when evaluated against baseline conditions. The significance criteria vary depending on the environmental topic. In general, impacts can be either significant (above the threshold) or less than significant (below the threshold).

3.2. Impact Topics Dismissed from Detailed Analysis

Impacts relating to the following environmental topics have been determined to be nonexistent under the Proposed Project and its alternatives.

3.2.1. Aesthetics

The study region is viewed and photographed by more than 4 million people annually, as projected in a survey on non-consumptive use patterns in the central coast (LaFranchi and Tamanaha 2005). The area attracts visitors for wildlife viewing, particularly whale watching, and nature observing, such as tidepooling. Residents and

tourists use State Route (SR) 1, one of the most scenic highways in the world, to see the views and wildlife along the coastline. SR 1 along the Big Sur coast offers viewing opportunities for sea lions, redwood forests, and the San Luis Obispo North Coast Byway, which passes through rural ranchlands (CDFG 2005a). The Proposed Project involves only policy changes and changes to the protective-level designations of various areas, and no structures would be built. Therefore, the Proposed Project would not result in physical impacts on land-based resources such as scenic highways. The Proposed Project would provide additional protection to wildlife and other natural resources within the central coast study region. Therefore, the Proposed Project would benefit scenic resources, including wildlife viewing and nature observations, for residents and tourists; Overall, no aesthetic impacts would result from the Proposed Project.

3.2.2. Agricultural Resources

In general, agricultural resources relate to cultivation of land or raising of livestock. The Proposed Project would apply to state marine and estuarine waters and therefore would not interfere with lands zoned for agricultural use. It would also not result in conversion of farmland to nonagricultural use. Therefore, there would be no impact on agricultural resources. For a discussion on aquaculture and kelp harvesting, please see Chapter 4.

3.2.3. Geology and Soils

The study region includes unique geologic features, such as rocky intertidal zones, beaches of varying grain sizes (gravel to fine-grained), rocky reefs, underwater pinnacles, and submarine canyons. These features are the result of active tectonic activity, erosion, and wave action in the surrounding area and provide habitat to marine life and public enjoyment. The Proposed Project would not interfere with these resources or processes, and it would not expose people or structures to adverse effects from seismic ground failure or shaking. The Proposed Project would protect geologic resources and therefore result in a beneficial impact.

3.2.4. Hazards and Hazardous Materials

Existing hazards to the public and environment involving the effects of hazardous materials spills or wildfires would not be altered by the Proposed Project. The Proposed Project also would not interfere with existing emergency response and evacuation plans. Therefore, it would not result in impacts pertaining to hazards or hazardous material. Potential impacts associated with vessel abandonment are discussed in section 5.2.

3.2.5. Land Use

For the most part, local government general plans, policies, and zoning ordinances do not apply to the state waters located within the central coast study

region. Exceptions include the City of Monterey, which has sought to establish an underwater park off part of its shoreline. In addition, the city's existing ordinance restricts possession of spear fishing gear on the beach in certain locations (thus effectively prohibiting shore-based spear fishing), and requires a permit for kelp harvesting. The City of Pacific Grove also has attempted to implement an ordinance preventing all extraction of marine invertebrates within the intertidal portion of its city limits (CDFG 2005a), though Department attorneys have found this ordinance invalid as the City has no jurisdiction to regulate take of living marine resources. Land use designations do not currently exist for the various proposed MPA network component locations. Furthermore, the Proposed Project would not physically divide an established community or conflict with habitat conservation or natural community conservation plans because these are terrestrial-based considerations that do not apply to state waters in the central coast.

Jurisdictions that have planning authority over state waters include the SLC and California Coastal Commission (CCC). The CCC is responsible for administering the CCA and federally approved California Coastal Management Program pursuant to the Coastal Zone Management Act. Coastal act policies implemented by the CCC address issues such as public access and recreation, natural resource protection, agricultural operation, coastal development projects, port activities, and energy production. The SLC monitors existing offshore oil and gas activities to ensure revenue accountability, efficient resource recovery, and protection of the environment. The SLC currently has no program for offshore oil and gas leasing in state tidelands. In addition, since 1982, there has been a federal moratorium on new Pacific OCS leasing activities off the California coast since 1989 and a ban on issuing new state oil and gas leases in state tidelands since 1989. The Proposed Project provides for resource protection and conservation that would be consistent with natural resource protection goals of the CCA and these regulating bodies. Therefore, the Proposed Project would not result in a land use impact.

3.2.6. Mineral Resources

Within the central coast study region, there are currently no existing oil and gas leases in state waters. Within this same region, there are 36 federal leases in the OCS, which extends from the state waters offshore boundary to 200 miles offshore. All of these leases are located between Point Conception and Point Sal in Santa Barbara County. Of these leases, there are only four active production platforms (Harvest, Hermosa, Hidalgo and Irene), which are located between Point Conception and Point Arguello in northern Santa Barbara County.

There has been a federal moratorium on new OCS leasing activities off the California coast since 1982 and a ban on issuing new state oil and gas leases in state tidelands since 1989. Although the federal moratorium and California state ban on issuing new offshore leases are both subject to change, it is considered unlikely that new leasing offshore California will occur. The federal moratorium is based on annual Congressional appropriations bans on using federal funds to plan or support offshore

leasing in California, Florida, and the eastern seaboard. There is also an existing presidential decree that prohibits any new offshore leases until 2011. The ban on leasing state tidelands for oil and gas exploration and production is based on several actions, including the previously mentioned 1989 decision of the SLC, which has jurisdiction over all state property. The ban on new leases is also a result of the California Sanctuary Act of 1994 (PRC 6240 et seq.), which prohibits leasing of any state tidelands, with three exceptions. One of the exceptions would have the potential to affect state tidelands in central California, primarily only offshore of Santa Barbara County, where existing oil and gas reserves are known to exist and are being exploited in federal waters. Because oil and gas exploration and production in state tidelands are currently prohibited, the Proposed Project would have no impact on mineral resources.

3.2.7. Noise

Noise thresholds focusing on local general plans, noise ordinances, and land-based sensitive receptors are not applicable to this ocean-based project. A threshold of significance for noise impacts could be described as any noise created by the Proposed Project that would disturb the nesting, breeding, or feeding of marine species. No such effects are anticipated because increases in vessel traffic are not anticipated, and because shifts in locations of fishing activity to areas outside the proposed MPAs would not change the noise level resulting from such activities beyond what normally occurs in the existing conditions. This is particularly true given that the proposed project does not prohibit transit and existing vessel traffic patterns will remain largely unchanged.

3.2.8. Oceanography

Ocean circulation patterns are affected by winds, ocean temperatures and salinities, tides, coastal topography, and ocean bottom features (CDFG 2005a). Oceanographic conditions vary according to characteristic annual seasons and El Niño - Southern Oscillation events. Oceanographic features such as currents, water masses, and temperature influence marine biodiversity. Along the central coast, the main ocean currents are the southward-flowing, relatively cold-water California Current, located 90 to 130 miles off the shelf-slope break, and the subsurface, northward-flowing, relatively warm-water Davidson Current, located just offshore of the shelf-slope break. These currents converge at Point Conception, creating a major biogeographic boundary that many species do not cross. Variations in water temperature, upwelling, and currents determine areas of productivity where krill, squid, pelagic finfish, seabirds, and marine mammals congregate. Upwelling zones, retention areas, and freshwater river plumes are persistent oceanographic features found in the study region, which influence recruitment patterns of fish and invertebrates, regional productivity, and movement and distribution of many species (CDFG 2005a). The Proposed Project would not affect oceanographic processes.